

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SVEN E. SAMPSON,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
Social Security,

Defendant.

CASE NO. C09-5329 RBL

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
AFFIRMING COMMISSIONER

The Magistrate Judge recommends that the Court should conclude that Sven E. Sampson was properly denied social security benefits because application of the proper legal standard and substantial evidence support the Administrative Law Judge's (ALJ) finding that Plaintiff is not disabled. Plaintiff has filed objections to the Report and Recommendation.

The Plaintiffs objections to the Report and Recommendation are primarily restatements of his previous arguments. First, Plaintiff asserts that the ALJ failed to properly consider the VA's disability determination. Plaintiff argues that the ALJ failed to properly evaluate this medical evidence. The Court disagrees. Plaintiff's ability to set forth an alternative interpretation of the evidence that is more favorable to his request for benefits is not a proper reason to overturn the ALJ's decision. See Fair v. Bowen, 885 F.2d 597, 604 (9th Cir. 1989). The ALJ's interpretation of the evidence was reasonable and supported by substantial evidence.

1 Plaintiff's second contention is that the ALJ failed to properly evaluate the medical evidence  
2 by failing to mention certain evidence and improperly rejecting mentioned evidence. The Magistrate  
3 Judge rejected this argument, as does this Court. The ALJ need not discuss or mention all evidence  
4 presented and considered by the ALJ. See Vincent on Behalf of Vincent v. Heckler, 739 F.3d 1393,  
5 1394-95 (9th Cir. 1984). Further, the Magistrate Judge properly concluded that substantial evidence  
6 supported the ALJ's rejection of medical opinions.  
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8 Third, Plaintiff's objection regarding the ALJ's credibility determination is without merit.  
9 As found by the Magistrate Judge, the reasons the ALJ provided to discount plaintiff's allegations are  
10 properly supported by substantial evidence and are clear and specific.

11 Finally, the Magistrate Judge also properly found no error in the ALJ's residual functional  
12 capacity assessment or in the vocational hypothetical.

13 The Court, having reviewed plaintiff's complaint, the Report and Recommendation of  
14 Judge J. Richard Creatura, United States Magistrate Judge, and objections to the report and  
15 recommendation, if any, and the remaining record, does hereby find and ORDER:  
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- 17 1) The Court adopts the Report and Recommendation;
- 18 (2) The administrative decision is AFFIRMED; and
- 19 3) The Clerk is directed to send copies of this Order to counsel of record.

20 DATED this 14<sup>th</sup> day of June, 2010.

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23 RONALD B. LEIGHTON  
24 UNITED STATES DISTRICT JUDGE  
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